

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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HOUSE BILL 595

Short Title: Gold Star Officer Program/School Volunteer. (Public)

Sponsors: Representatives Arp, Horn, Faircloth, and Johnson (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Education, if favorable, Judiciary Subcommittee B.

April 9, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE SHERIFF AND THE CHIEF OF POLICE TO ESTABLISH A VOLUNTEER SCHOOL SAFETY RESOURCE OFFICER PROGRAM, TO COORDINATE THE PLACEMENT OF VOLUNTEER SCHOOL SAFETY RESOURCE OFFICERS ON EDUCATIONAL PROPERTY AS REQUESTED BY THE LOCAL BOARD OF EDUCATION, AND TO PROVIDE THAT VOLUNTEER SCHOOL SAFETY RESOURCE OFFICERS MAY CARRY HANDGUNS ON EDUCATIONAL PROPERTY WHILE ON OFFICIAL DUTY.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as the Gold Star Officer Program Act.

SECTION 2. G.S. 14-269.2(a) is amended by adding a new subdivision to read:

(3a) Volunteer school safety resource officer. - A person who volunteers as a school safety resource officer as provided by G.S. 162-25 or G.S. 160A-288.4."

SECTION 3. G.S. 14-269.2(g) is amended by adding a new subdivision to read:

(g) This section shall not apply to any of the following:

...

(7) A volunteer school safety resource officer providing security at a school pursuant to an agreement as provided in G.S. 115C-47(61) and either G.S. 162-25 or G.S. 160A-288.4; provided that the volunteer school safety resource officer is acting in the discharge of the person's official duties and is on the educational property of the school that the officer was assigned to by the head of the appropriate local law enforcement agency."

SECTION 4. G.S. 115C-47 is amended by adding a new subdivision to read:

"§ 115C-47. Powers and duties generally.

In addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty:

...

(61) To Provide a Safe School Environment. - Local boards of education may enter into an agreement with the sheriff, chief of police of a local police department, or chief of police of a county police department to provide security at the schools by assigning volunteer school safety resource officers who meet the selection standards and criteria developed by the head of the appropriate local law enforcement agency and the criteria set out in G.S. 162-25 or G.S. 160A-288.4 as appropriate."



1 **SECTION 5.** G.S. 160A-282(c) reads as rewritten:

2 "(c) The board of commissioners of any county may provide that persons who are
3 deputized by the sheriff of the county as special deputy sheriffs or persons who are serving as
4 volunteer law-enforcement officers at the request of the sheriff and under his authority, while
5 undergoing official training and while performing duties on behalf of the county pursuant to
6 orders or instructions of the sheriff, shall be entitled to benefits under the North Carolina
7 Workers' Compensation Act and to any fringe benefits for which such persons qualify.

8 This subsection shall not apply to volunteer school safety resource officers as described in
9 G.S. 162-25."

10 **SECTION 6.** Chapter 162 of the General Statutes is amended by adding a new
11 section to read:

12 **"§ 162-25. Sheriff may establish volunteer school safety resource officer program.**

13 (a) The sheriff may establish a volunteer school safety resource officer program to
14 provide nonsalaried special deputies to serve as school safety resource officers in public
15 schools. To be a volunteer in the program, a person must have prior experience as either (i) a
16 sworn law enforcement officer or (ii) as a military police officer with a minimum of two years'
17 service. If a person with experience as a military police officer is no longer in the armed
18 services, the person must also have an honorable discharge. A program volunteer must also
19 meet the selection standards and any additional criteria established by the sheriff.

20 (b) Each volunteer shall report to the sheriff and shall work under the direction and
21 supervision of the sheriff or the sheriff's designee when carrying out the volunteer's duties as a
22 school safety resource officer. No volunteer may be assigned to a school as a school safety
23 resource officer until the volunteer has updated or renewed the volunteer's law enforcement
24 training and has been certified by the North Carolina Sheriff's Education and Training
25 Standards Commission as meeting the educational and firearms proficiency standards required
26 of persons serving as special deputy sheriffs. A volunteer is not required to meet the physical
27 standards required by the North Carolina Sheriff's Education and Training Standards
28 Commission but must have a standard medical exam to ensure the volunteer is in good health.
29 A person selected by the sheriff to serve as a volunteer under this section shall have the power
30 of arrest while performing official duties as a volunteer school safety resource officer.

31 (c) The sheriff may enter into an agreement with the local board of education to provide
32 volunteer school safety resource officers who meet both the criteria established by this section
33 and the selection and training requirements set by the sheriff of the county for the schools. The
34 sheriff shall be responsible for the assignment of any volunteer school safety resource officer
35 assigned to a public school and for the supervision of the officer.

36 (d) There shall be no liability on the part of, and no cause of action shall arise against, a
37 volunteer school safety resource officer, the Sheriff or employees of the sheriff supervising a
38 volunteer school safety officer, or the public school system or its employees for any good faith
39 action taken by them in the performance of their duties with regard to the volunteer school
40 safety resource officer program established pursuant to this section."

41 **SECTION 7.** Article 13 of Chapter 160A of the General Statutes is amended by
42 adding a new section to read:

43 **"§ 160A-288.4. Police chief may establish volunteer school safety resource officer**
44 **program.**

45 (a) The chief of police of a local police department or of a county police department
46 may establish a volunteer school safety resource officer program to provide nonsalaried special
47 law enforcement officers to serve as school safety resource officers in public schools. To be a
48 volunteer in the program, a person must have prior experience as either (i) a sworn law
49 enforcement officer or (ii) as a military police officer with a minimum of two years' service. If
50 a person with experience as a military police officer is no longer in the armed services, the

1 person must also have an honorable discharge. A program volunteer must also meet the
2 selection standards and any additional criteria established by the chief of police.

3 (b) Each volunteer shall report to the chief of police and shall work under the direction
4 and supervision of the chief of police or the chief's designee when carrying out the volunteer's
5 duties as a school safety resource officer. No volunteer may be assigned to a school as a school
6 safety resource officer until the volunteer has updated or renewed the volunteer's law
7 enforcement training and has been certified by the North Carolina Criminal Justice Education
8 and Training Standards Commission as meeting the educational and firearms proficiency
9 standards required of persons serving as criminal justice officers. A volunteer is not required to
10 meet the physical standards required by the North Carolina Criminal Justice Education and
11 Training Standards Commission but must have a standard medical exam to ensure the volunteer
12 is in good health. A person selected by the chief of police to serve as a volunteer under this
13 section shall have the power of arrest while performing official duties as a volunteer school
14 safety resource officer.

15 (c) The chief of police may enter into an agreement with the local board of education to
16 provide volunteer school safety resource officers who meet both the criteria established by this
17 section and the selection and training requirements set by the chief of police of the municipality
18 or county in which the schools are located. The chief of police shall be responsible for the
19 assignment of any volunteer school safety resource officer assigned to a public school and for
20 the supervision of the officer.

21 (d) There shall be no liability on the part of, and no cause of action shall arise against, a
22 volunteer school safety resource officer, the chief of police or employees of the local law
23 enforcement agency supervising a volunteer school safety officer, or the public school system
24 or its employees for any good faith action taken by them in the performance of their duties with
25 regard to the volunteer school safety resource officer program established pursuant to this
26 section."

27 **SECTION 8.** This act becomes effective December 1, 2013.